

**THE BILL BLACKWOOD  
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**Responding and Handling  
Missing and Abducted Children**

**A POLICY RESEARCH PROJECT**  
Submitted in Partial Fulfillment  
of the Requirements for the Professional Designation  
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by  
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## **ABSTRACT**

The topic of this research is responding and handling missing and abducted children. The research involved in this project is not only important to the Converse police department, but to the general public as a whole. The importance of developing and activating proven methods for responding to and handling missing and abducted children is paramount for everyone. Our children are the greatest asset of the world and the safe and rapid recovery of them is of utmost importance. The purpose of this research project was to gain new knowledge and application in handling missing and abducted children. The knowledge gained was then developed into a policy and guidelines contained in a standard operating procedure when handling missing and abducted children. The methods used in developing this research-included information from Police manuals, current policies from police departments in Texas, Newspaper articles, new legislative decisions, Federal guidelines and current Texas state and laws. In conclusion of this research I have compiled current methods and procedures into a standard operating procedure policy. My recommendation is to have the command staff of the Converse police department review and adopt this policy into the standard operations of the department.

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## **INTRODUCTION**

Responding and handling of missing and abducted children is the subject of this research project. The purpose of my research is to establish a set of guidelines for the first responder and follow up investigation. These guidelines will also be useful in educating the general public on how to prevent missing or the abduction of children. The obstacles that Law Enforcement has to overcome in dealing with the prevention of abductions or missing children has become a difficult task. The timely reuniting of missing or abducted children may be brought about through education of new laws and implementation of new innovating procedures. The ongoing development of creative ideas develops new tools that aid in achieving the best action to take when handling missing and abducted children. The content of this research is the development of policy procedures directed to law enforcement for the investigative and the prevention application. The general public will benefit from this education, an to the prevention an understanding of the chain of events and expectations is important. The contents of this research paper have been compiled through many different sources. Texas state laws, to including the Penal Code and Family Code, are the foundation on which this research is based upon. The research is built upon information compiled from police instruction manuals, model police policies, newspaper articles and actual police cases. The intended outcome of this research is to assist the Converse Police Department with the development of proactive policies and procedures in responding and handling missing and abducted children. The information compiled can be distributed to the citizens of the community. Law Enforcement and the community should join together in an effort to protect the greatest commodity the world has, our children.

## **Historical, Legal or Theoretical Context**

Children at risk of abductions in the United States have been around for a long time. It had not been addressed until the passing of the Federal Kidnapping Act, in 1932. This. Federal law didn't specifically pertain just to children it also included adults. It wasn't Until 1968 when all the states, in the United States adopted the uniform child custody act. "Prior to 1974 the nation and, in particular, law enforcement responded to the subject of missing children in a disjointed manner" (Steidel 3). Recent history laws pertaining to missing and abducted children have become more prevalent. In 1975, the Federal Bureau of investigation instituted the missing persons file. Again this was not just pertaining to children, but included adults also. It took the federal government of the United States five more years to develop a law that addressed particularly missing children. This came about in 1980 with the development of the parental kidnapping prevention act. During the 1980's the federal government realized the need of passing more laws and nation wide clearing houses for missing or abducted children. In 1983 the Federal Bureau of Investigation instituted the unidentified persons file. This file enabled law enforcement from around the nation to check their missing children against the clearinghouse of unidentified persons. There was a great need for this clearinghouse due to mobility of today's society. The establishment of the National Center for Missing and Exploited Children in 1984, became the first nation wide clearinghouse designed specifically for children. The development of this center became paramount in the recovery of missing and abducted children. This center brought citizens and law enforcement together in a combined effort to recovery and prevention of missing and abducted children. The United States in 1988 became a signatory to the Hague

convention on the civil aspects of international child abductions. This became a tool for law enforcement in recovering children that were taken out of the country. Even though it helped, it was not a flawless system, due to the lack of cooperation from some countries. At this time there was a passage of the International Child Abduction Remedies Act. This act pertained to the establishment of procedures and implement provisions in the Hague convention. This act requires "the President to designate a federal agency as the central authority for administration of the treaty provisions within the United States"(Hoff 51). In 1990, the National Child Search Assistance Act. was passed. This act (42 USC §§ 5779 and 5780) "which mandated certain actions including" (Steidel 9).

- No federal, state or local law enforcement agency will establish or observe a waiting period before accepting a missing child case.
- All agencies will enter, without delay, reports of missing children younger than 18 years of age into the NCIC missing person file.
- Agencies will update identifying information on each case in NCIC within 60 days.
- Each case will receive proper investigative action.
- Investigators will maintain close liaison with NCMEC on appropriate cases.

In 1997 the Texas state 75th Legislature Developed and made into law, House Bill No.2899, Missing Children and Missing Person (75th Legistslature2899). This law developed standards on the state level pertaining to the procedures and guidelines for law enforcement when dealing with a missing or abducted child case. Also the availability of information that can be obtained by citizens. This also passed into law the missing children and missing persons information clearinghouse which is coordinated by the Department of Public Safety(75th Legislature Art.62.002[Sec.79.002]). The function of the clearinghouse is a central repository of information on missing children and missing

persons. It is the responsibility of the clearinghouse to distribute flyers, posters and other forms of information pertaining to the physical descriptions of missing children. House Bill No. 2899 also mandated requirements for law enforcement to follow. Upon receiving a report of a missing child and the determination of the well being of the child is in danger. The law enforcement agency will start an immediate investigation to determine the location of the child. The law enforcement agency must immediately enter the name of the child into the clearinghouse and the National Crime Information Center. This information should include all available information, dental records, finger prints and other physical characteristics, to include a description of the clothing worn at the time the child was last seen. Due to all of the changes made by the 75th Legislature, the laws in the Texas Penal Code were updated to include these changes. Interference with Child Custody PC§ 25.03 is a common charge pertaining to non custodial parental abductions. Interference with Child Custody reads as follows.

- (a) A person commits an offence if he takes or retains a child younger than 18 years when he:
  - (1) knows that his taking of retention violates the express terms of a judgement or order of a court disposing of the child's custody; or
  - (2) has not been awarded custody of the child by a court of competent jurisdiction, knows that a suit or application for habeas corpus to dispose of the child's custody has been filed, and takes the child out of the geographic area of the counties composing the judicial district if the court is a district court or the county if the court is a statutory county court, without the permission of the court and with the intent to deprive the court of authority over the child.
- (b) A non custodial parent commits an offense if, with the intent to interfere with the lawful custody of a child younger than 18 years, he knowingly entices or persuades the child to leave custody of the custodial parent, guardian or person standing in the stead of the custodial parent or guardian of the child. An offense under this section is a state jail felony. (Texas Department of Public Safety 1997-1998 Texas Criminal Laws 22)

## **Review of Literature or Practice**

In the review of the literature researched on missing and abducted children it was found that the first steps in recovery of a missing or abducted child is the prevention. Due to the fact that children do not have the identifiers that most adults have for example: drivers license, detailed medical history, credit cards, or finger prints on file for employment or other reasons. Due to the fact that most children do not have any of these records makes it more difficult in the identification of a child. But there are some methods in which we can have on record positive identifiers of our children. The use of finger printing and photographing is the most commonly used ways we can identify our children. The advancement of present day technology allows us to go a step further on the identification of our children. DNA profiling can also be done, and kept on file for the purpose of identification of children. DNA has been used by civil courts around the country for the positive identification of responsible parents. "DNA testing has been an established part of the criminal-justice procedure and its rapidly becoming the preferred method of human identification in the forensic area"(Monaco 5).

In a non-family abduction of a child there are many factors to consider. The first and foremost is the safe return of the child. "A child abducted by an unknown individual is considered to be in great danger"(Patterson 21). The detailed concise building of a case against the abductor(Patterson 21). Time is a crucial factor and many tasks are essential. It will take not only multi jurisdictional cooperation, but a full community effort. All of which should be commanded from a central location. A search from house to house, from business to business must be done. The swift entry into NCIC and the state clearinghouse, is of great importance. This will assist in any outside agency contact with the child or abductor. The involvement of different citizens groups can assist in



this manpower issue. The use of computers and software packages will help in keeping the mass of information and leads in a concise and orderly manner. Bringing today's technology to bear on real problems makes information readily available where time is of the essence(Trotter).

The children most at risk of a parental abduction are ones that have a great deal of stress among their parents that pertains to the increase of social "stressors". Those which cause family disruption, which resulted in the break up of the marriage or spousal abandonment (Greif223). The recognition of these "stressors" will help in the prevention of a possible parental abduction. Parental abductions are the most common type of abduction among children.

Non custodial parental abductions that have left the United States and into a Foreign land brings a whole new realm of roadblocks to hurdle. The International Child Abduction Act, also known as the Hague Convention was derived to assist countries through a mutual agreement in international abduction. The Huge Convention is not a solution for all international abductions. There are certain countries around the world that are not active participants of the Hague Convention, due to their customs and religious beliefs. The Middle Eastern countries are the ones that are most prevalent with these beliefs and customs. Therefore it is difficult but not impossible to retrieve internationally abducted children. The laws in the United States pertaining to the custodial rights of a child may be documented. But these laws only pertain to the United States. A attempted "Snatch Back" of a child from a foreign country could get that parent or righteous custodian arrested in that country due to the differences in the laws. This practice is strongly discouraged(Hoff39).

The polices and procedures in handling missing or abducted children may vary

from city to city. It was found through this research that a policy of this type was non-existent in many police departments surveyed. A policy used in the Dallas area metroplex called "Amber's Plan" was developed as cooperative effort between the local media and law enforcement agencies. The Farmers Branch Police Department is an active participant of "Amber's Plan", the policy calls for law enforcement agencies to provide radio stations with an alert upon confirmation of a child abduction. These situations need to be handled according to the department's standard operation procedure and require the utmost attention(Reeves 3). Confirmed child abduction is defined in this policy and has to meet a required criteria and circumstances. This criteria follows the Penal Code offense of Kidnapping Ch.20.03(TDPS 18). "Amber's Plan" has certain steps to follow once the criteria is confirmed. Notification the Chief of Police upon a confirmed child abduction to receive authorization to implement Amber's Plan. A notification of the juvenile division in the department. The preparation of information to be released to the radio stations for broadcast. This should include all information that would be helpful to the general public in locating the abducted child, i.e. child description, abductor description, vehicle information and any other information that would be pertinent. A designated department contact will be assigned for the radio outlets to confirm and validate faxed information. This should be the ranking patrol supervisor or youth division investigator. A prepared and standardized form with the appropriate information can be faxed. A follow up call to the radio stations to confirm the distributed information to be broadcast is essential. All updated information should be passed on in a timely manner. At the time of locating or termination of the investigation a final bulletin will be distributed. This plan was designed as a tool for the safe recovery of the child and has proven to be effective.

## **Discussion of Relevant Issues**

The key issues pertaining to the research in handling missing and abducted child are broken down into specific categories. The first and most important is the immediate response by all the parties involved. The immediate deployment of officers to the location and the area by dispatch is critical. Upon arrival officers should make a complete canvas of the area while the reporting officer collects the pertinent information to be broadcast to all offices and media(Calaway 1). The reporting officer must submit a report to NCIC of the missing child without delay(75th Legislature 2899). These continuing investigative procedures are key to the safe recovery of a missing child.

The education of the general public on ways in keeping there children safe from being lost or abducted is must. Many parents think that this will not happen to them, when in reality abductions can happen to anyone in their home town. Safety tips that parent or caretakers of children apply to their everyday life will help in reducing the chances of their child being lost or abducted(Conaway July). Detailed polices and procedures developed by all police departments is not only mandated by state law, but vital. Providing clear and concise procedures to the responding officers will bring the officers and departments to the highest professional ability. The input of missing child into NCIC, draws the assistance of police officers nation wide. The pertinent information of the child will include the physical description, clothing, scars marks and of any medical conditions. At this point the state clearing house and the National Center for Missing and Exploited Children should have all the information filed with a photograph of the child and abductor if available. These organizations produce flyers and distribute them through out the nation(DPS Missing person clearinghouse).

There are many constraints that law enforcement have to overcome during the

investigation of missing or abducted children. These obstacles fall into four broad categories, unfamiliarity, non-compliance, inconsistency and ambiguity. The unfamiliarity of lawyers, judges and law enforcement officers that are lacking in the experience and knowledge regarding missing and abducted children. Noncompliance on the part of law enforcement agencies to establish policies and procedures is a problem. Federal and State laws related to missing and abducted children lacks in uniformity. Not only do statutes vary from state to state, but court interpretations of Federal and State laws have led to greater ambiguity and confusion(Girdner 20). Interaction with the civil process and criminal laws of the State, have caused problems in filing criminal cases. These are mainly dealing with divorce decrees or lack of these decrees or custody direction. The lack of instruction for the recovery of internationally abducted children makes the process hard(Dabbagh 25). There are few law enforcement investigators that have had to work international abduction cases. The investigators that have had these cases assigned to them have hurdled numerous roadblocks. The use of credit reports to track individuals is cumbersome and time consuming. The reports are dated material and are usually updated on a monthly bases. Also the data will not track from state to state(Eriksen 25). The Hague convention created at the national level has been constrictive in recovery of children taken into the Middle Eastern countries as a result of parental abductions(Girdner 18). This is do to the lack in participation and understanding of this increasing problem. There are decreasing opportunities for local law enforcement to deal with these type of cases, is due to the pro active response of federal and state agencies.

## **Conclusion/Recommendations**

The cost for agencies investigating missing and abducted children can easily consume small agency budgets. The use of civic groups and organizations will help in consuming some of these cost. Local groups have formed coalitions in the assistance of the recovery of missing children. The expense of bring a child back from another state or country can be extreme, and sometimes a large financial burden on the families involved. This is true when dealing with an abduction from a shelter that is running on a shoestring budget. The recovery of a child is priceless. The use of many techniques used by law enforcement, are of no or little cost. But when the agency leaves its local domain a large cost can compile. The cost of airfare, hotels and many other travel expenses can be a burden on some budgets. When it comes to the recovery of a missing or abducted children, the benefit is being able to safely bring the child home safe. No expense is too great, and there is not an investigative technique to trivial. Every means possible should be used when dealing with missing and abducted children.

It is imperative that agencies take a proactive attitude and approach should they be faced with a crisis of this manner. "Ambers Plan" has been found to be a most effective and efficient tool when time is of the essences. This researcher recommends that Ambers Plan or a plan of its nature become a part of the Converse Police Department policy and procedures manual.

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